



PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/642,439
Filing Date	Aug 14, 2003
First Named Inventor	Brophy
Art Unit	1755
Examiner Name	James W. Pasterczyk
Total Number of Pages in This Submission	8
Attorney Docket Number	02-024

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		
Attached is a response to the Notice of Non-Compliant Amendment that was mailed Jan 4, 2006. The Drawing paragraph was originally submitted on a separate page but is resubmitted herewith. A complete listing of claims is attached with corrections made as pointed out in the attached Notice.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Frank Rosenberg		
Signature			
Printed name	Frank Rosenberg		
Date	11 January 2006	Reg. No.	37,068

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Esmeralda Mestizo	Date	11 January 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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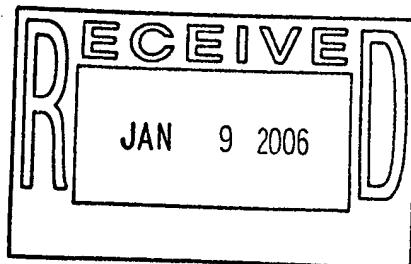
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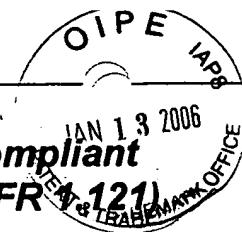
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,439	08/14/2003	John H. Brophy	02-024	2458
34833	7590	01/04/2006		
FRANK ROSENBERG 18 ECHO HILL LANE MORAGA, CA 94556			EXAMINER	PASTERCZYK, JAMES W
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**



Application No.

10/642439

Applicant(s)

Examiner

Art Unit

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:

- A. Amended paragraph(s) do not include markings.
- B. New paragraph(s) should not be underlined.
- C. Other \_\_\_\_\_

2. Abstract:

- A. Not presented on a separate sheet. 37 CFR 1.72.
- B. Other \_\_\_\_\_

3. Amendments to the drawings:

- A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.

C. Other *The drawing paragraph should be on a separate page not with remarks.*

4. Amendments to the claims:

- A. A complete listing of all of the claims is not present.
- B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- D. The claims of this amendment paper have not been presented in ascending numerical order.

E. Other: *There are two clms 36. Clm 41 is presented after clm 36. A line is drawn through clm 37 and Clm 41 is out of order.*

5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ola/preognitice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Meredith F. Taylor*  
Legal Instruments Examiner (LIE)

571-272-1053

Telephone No.